

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE	*	BKRTCY. NO. 12-01306 BKT
MARIELA DIAZ PEREZ	*	CHAPTER 13
<u>DEBTOR</u>	*	

**DEBTOR'S MOTION AND NOTICE OF FILING OF POST-CONFIRMATION  
MODIFICATION OF CHAPTER 13 PLAN 11 USC §1329**

**TO THE HONORABLE COURT:**

**COMES NOW, MARIELA DIAZ PEREZ**, the debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1.The debtor is hereby submitting a post-confirmation modification of Chapter 13 Plan, 11 USC Section 1329, dated October 5, 2013, herewith and attached to this motion.

2.This Plan modification is filed to provide for post-petition arrears to secured creditors EMI Equity and Toyota Motor Credit and propose an increase in Plan payment schedule which will allow the debtor to complete the required payments under the Plan.

**NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 3015(f)**

**Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.**

I CERTIFY, that on this same date a copy of this Notice was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, and all CM/ECF participants; I also certify that a copy of this notice was sent via

Page -2-  
Post Confirmation Modification 11 USC 1329  
Case no. 12-01306 BKT13

regular mail to the debtor and to all creditors and interested parties appearing in the master address list, hereby attached.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 8<sup>th</sup> day of October, 2013.

/s/Roberto Figueroa Carrasquillo  
ROBERTO FIGUEROA CARRASQUILLO  
USDC #203614  
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United States Bankruptcy Court  
District of Puerto Rico

IN RE:

Case No. 12-01306-13

DIAZ PEREZ, MARIELA

Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: 10/05/2013

☐ AMENDED PLAN DATED: \_\_\_\_\_

☐ PRE ☒ POST-CONFIRMATION

Filed by: ☐ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ 100.00 x 19 = \$ 1,900.00  
 \$ 120.00 x 23 = \$ 2,760.00  
 \$ 387.00 x 18 = \$ 6,966.00  
 \$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_  
 \$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_

TOTAL: \$ 11,626.00

Additional Payments:

\$ \_\_\_\_\_ to be paid as a LUMP SUM  
 within \_\_\_\_\_ with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in  
 addition to the above:

\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_

PROPOSED BASE: \$ 11,626.00

III. ATTORNEY'S FEES  
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee  
 Disclosure Statement: \$ 2,861.00

Signed: Mariela Diaz Perez

Debtor

Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR \$ \_\_\_\_\_

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. EMI EQTY MTG Cr. TOYOTA MOTOR CR  
 # 500193 # 70404061303750001 # \_\_\_\_\_  
 \$ 2,147.87 \$ 811.23 \$ \_\_\_\_\_

2. ☐ Trustee pays IN FULL Secured Claims:

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
 # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
 \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
 # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
 \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:

5. ☐ Other:

6. ☒ Debtor otherwise maintains regular payments directly to:

EMI EQTY MTG TOYOTA MOTOR CR

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.  
 11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other: \_\_\_\_\_  
☐ Paid 100% / ☐ Other: \_\_\_\_\_

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
 # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
 \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)

\* "Tax refunds will be devoted each year, as periodic payments, to the plan's funding until plan completion. The plan shall be deemed modified by such amount, without the need of further Court order. The debtor(s) shall seek court's authorization prior any use of funds."

Late filed claims filed by creditors will receive no distribution.

"Surrenders collateral": Shares/savings in any  
 Cooperativa/Association/Bank.

Debtor reserves the right to object claims after plan confirmation.

Attorney for Debtor R. Figueroa Carrasquillo Law Office

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